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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,819	09/26/2003	Charles R. Harrison	020366-092500US	8932
20350	7590	01/24/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			TRAN, QUOC DUC	PAPER NUMBER
			ART UNIT	2643

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/672,819	HARRISON, CHARLES R.	
	<b>Examiner</b> Quoc D Tran	<b>Art Unit</b> 2643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 26 September 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 15 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/26/2003.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Adari et al (5,353,327).

Consider claim 1, Adari et al teach a system for determining a status of a telephone line (col. 1 lines 5-15), the system comprising a demarcation device associated with a customer premises (col. 2 lines 30-35); a dial tone tester integrated with the demarcation device (col. 2 lines 35-41; col. 5 lines 60-63); and a signal carrier extending from the demarcation device to an interface, wherein the interface is operable for attachment to a customer premises equipment, within the customer premises (col. 3 lines 16-35).

Consider claim 2, Adari et al teach wherein the dial tone tester comprises: a visual device; and a voltage dividing circuit, wherein the voltage dividing circuit accepts a signal-in voltage and provides a signal-out voltage (col. 4 lines 47-64).

Consider claim 3, Adari et al teach wherein the dial tone tester is operable to visually indicate the status of the telephone line (col. 4 lines 47-64).

Consider claim 4, Adari et al teach wherein the visual device indicates an active status of the telephone line (col. 4 lines 47-64).

Consider claim 7, Adari et al teach wherein the visual device is a light emitting diode (col. 1 line1 57-58; col. 4 lines 47-49).

Consider claim 8, Adari et al teach wherein the visual device is a dual light emitting diode (col. 4 line 47-64, noted indicators 221, 222, 223 and 224).

Consider claim 9, Adari et al teach wherein the visual device is a liquid crystal diode (col. 4 lines 47-64).

Consider claim 10, Adari et al teach wherein the dial tone tester comprises an audible device (col. 5 lines 4-15).

Consider claim 11, Adari et al teach wherein the dial tone tester is operable to audibly indicate the status of the telephone line (col. 5 lines 4-15; lines 60-63).

Consider claim 12, Adari et al teach wherein the audible device indicates an active status of the telephone line (col. 5 lines 4-15).

Consider claim 16, Adari et al teach a demarcation device (col. 1 lines 5-15), comprising: an integrated circuit, wherein the integrated circuit accepts upstream (i.e., from CO) voltage and provides downstream (i.e., within CPE) voltage (col. 2 lines 30-41); a connection operable to couple the upstream voltage with a telecommunications network (col. 3 lines 28-30); a connection operable to couple the downstream voltage with a customer premises equipment (col. 3 lines 27-28); a first circuit for communicating information between the integrated circuit and the telecommunications network via the upstream voltage; a second circuit for communicating information between the integrated circuit and the customer premises equipment via the downstream voltage (col. 4 lines 19-28); and an integrated dial tone tester (col. 4 lines 29-64).

Consider claim 17, Adari et al teach a method for detecting line status within a customer premises, the steps comprising: detecting an absence of a dial tone of a telephone line (col. 3 lines 56-57); viewing a demarcation device located on the customer premises, wherein the demarcation device is integrated with a dial tone tester (col. 4 lines 47-64); determining a status from the dial tone tester (col. 4 lines 47-64); and determining the line status within the customer premises or outside of the customer premises (col. 6 lines 4-6).

Consider claim 18, Adari et al teach a method for detecting line status within a customer premises, the steps comprising: receiving an inquiry originating from a customer premises (col. 3 lines (col. 6 lines 23); sending a signal to a demarcation device located at the customer premises (col. 6 lines 23-35), wherein the demarcation device is integrated with a dial tone tester (col. 2 lines 30-40); and receiving a response originating from the customer premises, wherein the response indicates a status of the dial tone tester (col. 11 lines 3-13).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adari et al (5,353,327) in view of Applicant admitted prior art.

Consider claim 5, Adari et al suggested a visual display that enable the user to check the line voltage as well as other conditions (col. 4 lines 47-64). Adari et al did not suggest wherein the visual device is activated when a threshold voltage on the telephone line is greater than forty-

three volts. However, Applicant admitted prior that suggested such (page 2 lines 15-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to recognize that such threshold voltage is required for a proper telephone line voltage.

Consider claim 6, Adari et al suggested a visual display that enable the user to check the line voltage as well as other conditions (col. 4 lines 47-64). Adari et al did not suggest wherein the visual device is deactivated when a threshold voltage on the telephone line is less than forty-four volts. However, Applicant admitted prior that suggested such (page 2 lines 15-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to recognize that any voltage falls below such threshold voltage will indicate line faults or inadequate line voltage.

Consider claim 13, Adari et al did not suggest wherein the audible device is activated when a threshold voltage on the telephone line is greater than forty-three volts. However, Applicant admitted prior that suggested such (page 2 lines 15-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to recognize that such threshold voltage is required for a proper telephone line voltage.

Consider claim 14, Adari et al did not suggest wherein the audible device is deactivated when a threshold voltage on the telephone line is less than forty-four volts. However, Applicant admitted prior that suggested such (page 2 lines 15-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to recognize that any voltage falls below such threshold voltage will indicate line faults or inadequate line voltage.

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5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adari et al (5,353,327) in view of Dunn (5,696,810).

Consider claim 15, Adari et al did not suggest wherein the audible device is a piezoelectric buzzer. However, Dunn suggested such (col. 3 lines 24-28). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to substitute any other types of audio devices in place of speaker in order to generate audible signal thereof.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Facsimile responses should be faxed to:  
**(703) 872-9306**

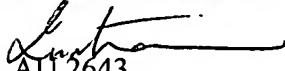
Hand-delivered responses should be brought to:  
Crystal Park II, 2121 Crystal Drive  
Arlington, VA., Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(703) 306-0377**.

**QUOCTRAN**  
**PRIMARY EXAMINER**

  
AU 2643

January 19, 2005